

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MAF, INC.,

Plaintiff,

v.

JOHN ISAAC, A/K/A JON ISAAC,

Defendant.

JOHN ISAAC, A/K/A JON ISAAC,

Counterclaimant,

v.

MAF, INC.,

Counter-Defendant.

CASE NO.: 2:22-cv-1073-ART-VCF

ORDER APPROVING

**STIPULATION SETTING
BRIEFING SCHEDULE ON
MOTION FOR SUMMARY
JUDGMENT**

(Second Request)

Pursuant to LR IA 6-1, LR IA 6-2, LR 7-1, and the Court’s minute order entered on April 26, 2023 (ECF No. 34), Plaintiff/Counter-Defendant MAF, Inc. (“MAF”), and Defendant/Counterclaimant John Isaac a/k/a Jon Isaac (“Isaac” or together with MAF, the “Parties”), by and through their respective counsel of record, stipulate, agree, and hereby request that the Court enter an Order setting the briefing schedule contemplated herein with respect to MAF’s pending Motion for Summary Judgment (ECF No.

26). This is the parties' second request for an extension of briefing schedule on the Motion for Summary Judgment, and the request is based on the following:

1. On February 21, 2023, Isaac propounded certain requests for production of documents and interrogatories on MAF;

2. On February 22, 2023, MAF filed its Motion for Summary Judgment (ECF No. 26);

3. On February 28, 2023, Isaac noticed the depositions of Michael Fusco and the FRCP 30(b)(6) designee(s) of MAF. MAF also propounded certain requests for production of documents and interrogatories on Isaac this same day;

4. On March 3, 2023, Isaac noticed the deposition of Louis Senerchia and issued a subpoena for such deposition;

5. On March 6, 2023, MAF's counsel advised that the dates noticed for the depositions were not available and would need to be rescheduled;

6. On March 7, 2023, DLA Piper LLP (US), MAF's then lead counsel, filed a Motion to Withdraw as Counsel (ECF No. 27);

7. On March 9, 2023, the parties submitted a Stipulation and [Proposed] Order to Stay of Proceedings, Continue Case Deadlines, and to Extend Discovery (ECF No. 29), whereby they sought a stay of the action pending the resolution of the Motion to Withdraw as Counsel so that the parties could reschedule discovery deadlines for mutually agreeable dates once MAF secured alternative counsel and also sought an extension of briefing deadlines relating to the pending motion for summary judgment;

8. On March 15, 2023, the Court issued an order vacating the pending briefing deadlines relating to the pending motion for summary judgment and directing the parties to submit a proposed briefing schedule as to the motion for summary judgment within seven days after the completion of the hearing before Magistrate Judge Cam Ferenbach on the Motion to Withdraw as Counsel and the parties' request for an extension of the discovery deadlines (ECF No. 32);

9. On April 3, 2023, Magistrate Judge Ferenbach held a hearing where he granted the Motion to Withdraw as Counsel and continued the hearing with respect to the parties proposed discovery deadlines to afford MAF sufficient time to secure alternative counsel (ECF No. 33);

10. On April 26, 2023, Magistrate Judge Ferenbach held a continued hearing on the parties' request for an extension of the discovery deadlines. *See* ECF No. 34. At that hearing, Magistrate Judge Ferenbach granted the parties' request to extend the discovery deadlines and ordered the parties to submit a proposed discovery plan and scheduling order as well as a proposed briefing schedule on the motion for summary judgment by May 3, 2023. *Id.*

11. Thereafter, the parties met and conferred regarding discovery deadlines and a proposed briefing schedule on the motion for summary judgment. The parties agreed to extend the briefing schedule on the motion for summary judgment so that certain discovery could be completed prior to the filing of a response to the motion for summary judgment, including the parties' responses to pending written discovery and the depositions of Mr. Fusco, MAF's FRCP 30(b)(6) designee(s), and Mr. Senerchia.¹

Based on the foregoing, the parties respectfully request that the Court set the following briefing schedule on the Motion for Summary Judgment (ECF No. 26):

A. Isaac shall have up to and including August 11, 2023 to file his Response to MAF's Motion for Summary Judgment;

B. MAF shall have up to and including August 25, 2023 to file its Reply in support of its Motion for Summary Judgment.

DATED this 3rd day of May, 2023.

GREENBERG TRAURIG, LLP

/s/ Christopher R. Miltenberger

MARK E. FERRARIO

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Counsel for Jon Isaac

DATED this 3rd day of May, 2023.

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/s/ Chad R. Fears

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Counsel for MAF, Inc.

¹ Without waiving its position that the produced documents and declaration/deposition of Mr. Senerchia are and will be sufficient for resolving its motion for summary judgment, MAF agrees to the briefing schedule in this stipulation to avoid a Rule 56(d) request, to streamline the case, and to reciprocate the professional courtesy opposing counsel showed while the motion to withdraw as counsel was pending.

ORDER

Based on the foregoing stipulation of the parties and good cause appearing therefor,

IT IS HEREBY ORDERED that Isaac's Response to MAF's Motion for Summary Judgment (ECF No. 26) shall be filed and served on or before August 11, 2023.

IT IS FURTHER ORDERED that MAF's Reply in support of its Motion for Summary Judgment shall be filed and served on or before August 25, 2023.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Anne R. Traum", is written over a horizontal line.

Anne R. Traum
United States District Court Judge

DATED: May 15, 2023